

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS R. GALLOWAY, JR.,)
)
Plaintiff,)
)
v.) Civil Action No. 20-611
) Senior Judge Nora Barry Fischer
JOHN R. WALTON, et al.,)
Defendants.)

MEMORANDUM ORDER

The above captioned case was initiated by pro se Plaintiff Thomas R. Galloway on April 27, 2020, and was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court. (Docket No. 1). Plaintiff submitted his Second Amended Complaint on November 23, 2020. (Docket No. 30). Defendants filed a Motion to Dismiss and Brief in Support on January 12, 2021. (Docket Nos. 46; 47). Plaintiff filed a Brief in Opposition on February 11, 2021. (Docket No. 55). Thereafter, on March 23, 2021, the Magistrate Judge issued a Report recommending that the Motion to Dismiss be granted, in part, and denied, in part, established a deadline for objections within 14 days. (Docket No. 59). Neither party filed objections by the deadlines for registered ECF users of April 6, 2021 nor unregistered ECF users of April 9, 2021.

After *de novo* review of the pleadings and documents in this case, the allegations in Plaintiff's Second Amended Complaint, Defendants' Motion and the briefing thereon, together with the Report and Recommendation, and the lack of any Objections by the parties, the following order is entered:

AND NOW, this 19th day of April, 2021:

IT IS HEREBY ORDERED that the Report and Recommendation [59] dated March 23, 2021 is ADOPTED as the Opinion of the Court;

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss [46] is GRANTED, in PART and DENIED, in PART. Said motion is granted to the extent that Plaintiff's claim under the Religious Freedom Restoration Act of 1993 is DISMISSED, with prejudice, but is denied in all other respects; and,

FINALLY, IT IS ORDERED that this matter is referred back to U.S. Magistrate Judge Maureen P. Kelly for further pretrial proceedings.

BY THE COURT:

s/Nora Barry Fischer
Nora Barry Fischer
Senior U.S. District Judge

cc: THOMAS R. GALLOWAY, JR.
3442020
Westmoreland County Prison
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(via first class mail)